

**HC**Districtclerk.com SMALLEY, BERNADINE ROSEANNE 4/20/2021  
(INDIVIDUALLY AS HEIR vs. EAN HOLDINGS  
LLC (D/B/A ENTERPRISE RENT-A-CAR)  
Cause: 202117878 CDI: 7 Court: 080

## APPEALS

No Appeals found.

## COST STATMENTS

No Cost Statments found.

## TRANSFERS

No Transfers found.

## POST TRIAL WRITS

No Post Trial Writs found.

## ABSTRACTS

No Abstracts found.

## SETTINGS

No Settings found.

## NOTICES

No Notices found.

## SUMMARY

### CASE DETAILS

**File Date** 3/25/2021  
**Case (Cause) Location** Civil Intake 1st Floor  
**Case (Cause) Status** Active - Civil  
**Case (Cause) Type** Motor Vehicle Accident  
**Next/Last Setting Date** N/A  
**Jury Fee Paid Date** N/A

### CURRENT PRESIDING JUDGE

**Court** 080<sup>th</sup>  
**Address** 201 CAROLINE (Floor: 9)  
HOUSTON, TX 77002  
Phone:7133686100  
**JudgeName** JERALYNN MANOR  
**Court Type** Civil

## ACTIVE PARTIES

Name	Type	Post Attorney Jdgm
SMALLEY, BERNADINE ROSEANNE (INDIVIDUALLY AS HEIR AT LAW OF STEVEN T	PLAINTIFF - CIVIL	AMMONS, ROBERT E.
EAN HOLDINGS LLC (D/B/A ENTERPRISE RENT-A- CAR)	DEFENDANT - CIVIL	KARP, DANIEL MICAL
HOLGUIN, ASHLEE M (INIVIDUALLY AND AS HEIRS AT LAW OF STEVEN T SMALLEY	PLAINTIFF - CIVIL	AMMONS, ROBERT E.
SMALLEY, STEVEN T (JR)(INDIVIDUALLY AND AS HEIRS AT LAW OF STEVEN T	PLAINTIFF - CIVIL	AMMONS, ROBERT E.

**EXHIBIT A**

GROVES, LYNDA (INDIVIDUALLY AS HEIRS AT LAW OF STEVEN T) PLAINTIFF - CIVIL  
A&R DELIVERY LLC DEFENDANT - CIVIL  
CESPEDES, DAVID CARBONELL DEFENDANT - CIVIL  
ENTERPRISE RENT-A-CAR DEFENDANT - CIVIL  
  
EAN HOLDINGS LLC (D/B/A ENTERPRISE RENT-A-CAR) MAY BE SERVED REGISTERED AGENT  
A&R DELIVERY LLC MAY BE SERVED THROUGH ITS REGISTERED AGENT REGISTERED AGENT

AMMONS, ROBERT E.  
  
  
KARP, DANIEL MICAL

## INACTIVE PARTIES

No inactive parties found.

## JUDGMENT/EVENTS

Date	Description	Order Signed	Post Jdgm	Pgs Volume /Page	Filing Attorney	Person Filing
4/19/2021	ANSWER ORIGINAL PETITION			0	KARP, DANIEL MICAL	ENTERPRISE RENT-A-CAR
4/19/2021	ANSWER ORIGINAL PETITION			0	KARP, DANIEL MICAL	EAN HOLDINGS LLC (D/B/A ENTERPRISE RENT-A-CAR)
3/26/2021	ORIGINAL PETITION			0	AMMONS, ROBERT E.	GROVES, LYNDA (INDIVIDUALLY AS HEIRS AT LAW OF STEVEN T)
3/26/2021	ORIGINAL PETITION			0	AMMONS, ROBERT E.	SMALLEY, STEVEN T (JR)(INDIVIDUALLY AND AS HEIRS AT LAW OF STEVEN T)
3/26/2021	ORIGINAL PETITION			0	AMMONS, ROBERT E.	HOLGUIN, ASHLEE M (INDIVIDUALLY AND AS HEIRS AT LAW OF STEVEN T SMALLEY)
3/25/2021	ORIGINAL PETITION			0	AMMONS, ROBERT E.	SMALLEY, BERNADINE ROSEANNE (INDIVIDUALLY AS HEIR AT LAW OF STEVEN T)

## SERVICES

Type	Status	Instrument	Person	Requested	Issued	Served	Returned	Received	Tracking	Deliver To
CITATION SERVICE RETURN/EXECUTED	ORIGINAL PETITION	EAN HOLDINGS LLC (D/B/A ENTERPRISE RENT-A-CAR) MAY BE SERVED		3/26/2021	3/26/2021	4/2/2021			73854531	E-MAIL
1999 BRYAN STREET SUITE 900 DALLAS TX 75201										
CITATION SERVICE RETURN/EXECUTED	ORIGINAL PETITION	A&R DELIVERY LLC MAY BE SERVED THROUGH ITS REGISTERED AGENT		3/26/2021	3/26/2021	3/31/2021			73854534	E-MAIL
5507 KARENBETH DRIVE HOUSTON TX 77084										

CITATION SERVICE ORIGINAL CESPEDES, 3/26/2021 3/26/2021 3/29/2021 73854538 E-MAIL  
RETURN/EXECUTED PETITION DAVID  
CARBONELL

17811 AUTUMN TRAILS LANE HOUSTON TX 77084

## DOCUMENTS

Number	Document	Post Jdgm	Date	Pgs
95393927	Defendant EAN Holdings LLC d/b/a Enterprises Rent-A-Car's Original Answer:		04/19/2021	5
95135002	CITATION: EAN HOLDINGS LLC DBA ENTERPRISE RENT-A-CAR:		04/05/2021	3
95115850	CITATION: A&R DELIVERY LLC:		04/01/2021	3
95057864	Citation- Cespedes David Carbonell:		03/30/2021	3
95015513	Plaintiff's Original Petition		03/26/2021	12
	Plaintiff's Original Petition		03/26/2021	
-> 95015514	Request for Issuance of Service		03/26/2021	1
	Request for Issuance of Service		03/26/2021	
-> 95015515	Request for Issuance of Service		03/26/2021	1
	Request for Issuance of Service		03/26/2021	
-> 95015516	Request for Issuance of Service		03/26/2021	1
	Request for Issuance of Service		03/26/2021	
95015513	Plaintiff's Original Petition		03/26/2021	12
-> 95015516	Request for Issuance of Service		03/26/2021	1
-> 95015515	Request for Issuance of Service		03/26/2021	1
-> 95015514	Request for Issuance of Service		03/26/2021	1

CAUSE NO. \_\_\_\_\_

BERNADINE ROSEANNE SMALLEY,  
Individually, As Heir at Law of STEVEN T.  
SMALLEY, Deceased, and ASHLEE M.  
HOLGUIN, STEVEN T. SMALLEY, JR.,  
and LYNDA GROVES, Each Individually  
and As Heirs at Law of STEVEN T.  
SMALLEY, Deceased

*Plaintiffs*

v.

EAN HOLDINGS, LLC doing business as  
ENTERPRISE RENT-A-CAR;  
A&R DELIVERY, LLC; and DAVID  
CARBONELL CESPEDES

*Defendants*

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

\_\_\_\_\_ JUDICIAL DISTRICT

**PLAINTIFFS' ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, Plaintiffs BERNADINE ROSEANNE SMALLEY, Individually, As Heir at Law of STEVEN T. SMALLEY, Deceased, and ASHLEE M. HOLGUIN, STEVEN T. SMALLEY, JR., and LYNDA GROVES, Each Individually and As Heirs at Law of STEVEN T. SMALLEY, Deceased, complaining of EAN HOLDINGS, LLC doing business as ENTERPRISE RENT-A-CAR, A&R DELIVERY, LLC, and DAVID CARBONELL CESPEDES, Defendants, and for cause of action would show the Court the following:

**DISCOVERY-CONTROL PLAN**

1. Pursuant to Rule 190.4 of the Texas Rules of Civil Procedure, Plaintiffs will proceed with discovery under a Level 3 Discovery Control Plan.

### **PARTIES**

2. Plaintiffs Bernadine Roseanne Smalley and Steven T. Smalley, Jr. are individuals residing in Colorado.
3. Plaintiffs Ashlee M. Holguin and Lynda Groves are individuals residing in New Mexico.
4. Defendant EAN Holdings, LLC doing business as Enterprise Rent-A-Car (“Enterprise”) is a Delaware limited liability company doing business in the state of Texas. Defendant can be served with process through its registered agent for service, C T Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136.
5. Defendant A&R Delivery, LLC (“A&R Delivery”) is a domestic limited liability company doing business in the state of Texas. Defendant can be served with process through its registered agent for service, Mayra Perez, 5507 Karenbeth Drive, Houston, Texas 77084.
6. Defendant David Carbonell Cespedes (“Cespedes”) is an individual and resident citizen of Texas and can be served with process at his residence address of 17811 Autumn Trails Lane, Houston, Texas 77084.

### **JURISDICTION AND VENUE**

7. This Court has jurisdiction because Plaintiffs’ damages exceed the minimum jurisdictional requirements of this Court.
8. Venue is proper and maintainable in Harris County, Texas since Defendant David Carbonell Cespedes resides in said county and Defendant A&R Delivery, LLC has its principal office in Harris County. A&R Delivery, LLC’s principal office is located at 8411 Sedona Run Drive, Cypress, TX 77433.
9. Because venue is proper in Harris County, Texas as to Defendants Cespedes and A&R Delivery, venue is also proper to Defendant Enterprise pursuant to Section 15.005 of the Texas Civil

Practice & Remedies Code, which provides that when venue is proper as to one Defendant, it is proper as to all Defendants and all claims arising out of the same transaction, occurrence, or series of transactions or occurrences.

### **FACTUAL BACKGROUND**

10. This is a negligence and strict products liability case in which Plaintiffs seek monetary relief over \$1,000,000.00 and a demand for judgment for all the other relief to which Plaintiffs deem themselves entitled.

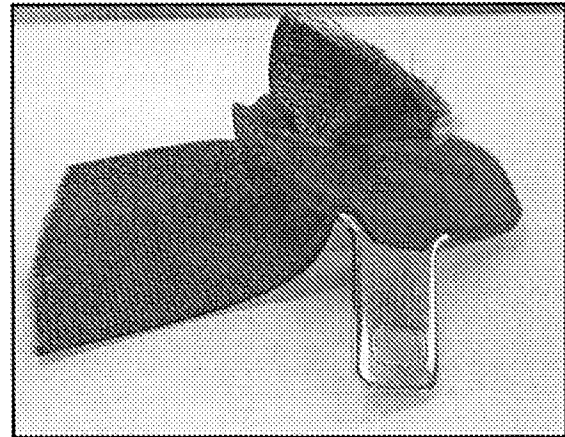
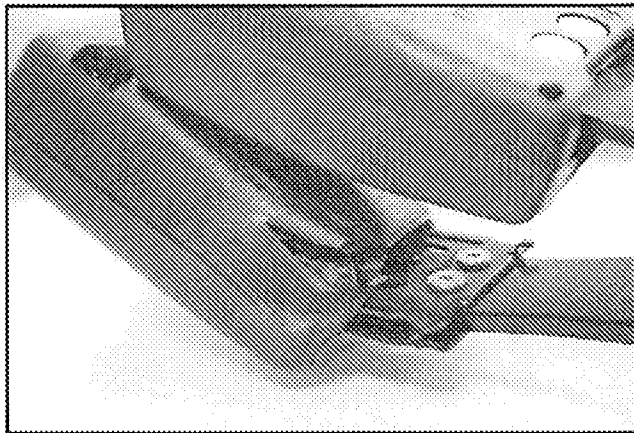
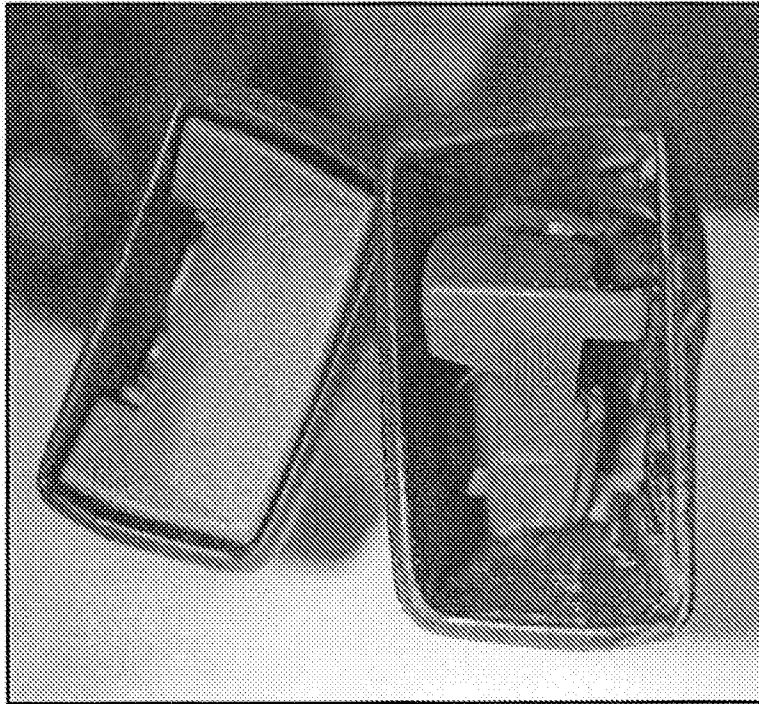
11. It has become necessary to file this civil suit to collect a legal debt and damages due and owing Plaintiffs as a result of a motor vehicle accident that occurred on or about December 17, 2020.

12. On said date, Defendant Cespedes was operating a tractor-trailer traveling east on US-287 in Potter County, Texas. Defendant Cespedes was not paying proper attention as he approached a controlled intersection. Despite having ample time to see other vehicles traveling into the intersection and having the time to take appropriate action to avoid a crash, Defendant Cespedes crashed the tractor-trailer into a 2020 Chevrolet Silverado (the “Silverado” / the “rented Silverado”) being driven by Brian McFarlane.

13. The tractor-trailer was owned and/or leased by Defendant A&R Delivery and at the time of the collision, Defendant Cespedes was an employee, statutory or borrowed servant of Defendant A&R Delivery in the course and scope of his employment and operating under the DOT authority of Defendant A&R Delivery

14. Occupying the Silverado as the right rear passenger was Steven T. Smalley (“Decedent”), who was properly restrained. In the crash, the restraint system failed Decedent, allowing Decedent to be ejected from the vehicle, thus suffering serious injuries. Eight days following the crash, on Christmas day, Steven T. Smalley died.

15. The fatal injuries to Steven T. Smalley were caused by defects in the Silverado including a failure of the restraint system to properly restrain Decedent to his seat.



16. Plaintiffs affirm and believe that but for the defective and unreasonably dangerous nature of the restraint system, Steven T. Smalley would have suffered only superficial injuries, the same type of injuries suffered by the other passengers in the Silverado.

17. Upon information and belief, Defendant Enterprise had inspected, serviced, maintained, marketed and rented the Silverado to McFarlane.

18. The rented Silverado was not crashworthy and contained defects.
19. The rented Silverado was negligently designed and manufactured.
20. The collision and ejection proximately caused the fatal injuries to Steven T. Smalley and catastrophic damages to Plaintiffs.

**FIRST CAUSE OF ACTION**  
**(STRICT LIABILITY – ENTERPRISE)**

21. Plaintiffs incorporate by reference each and all of the allegations contained in the preceding paragraphs as though fully set forth herein.

22. Defendant Enterprise is in the business of renting automobiles, including the rented Silverado.

23. The rented Silverado was defective and unreasonably dangerous to the ultimate users, operators or consumers including Decedent, when it was marketed, distributed, and/or rented to McFarlane by Defendant Enterprise and was defective for reasons including but not limited to the following:

- a. The rented Silverado and its restraint system were defective and unreasonably dangerous because the rented Silverado's design, manufacturing, testing, and/or inspection process allowed the passenger in the rear seating row to be ejected from the vehicle regardless of being properly restrained;
- b. The rented Silverado was defective and unreasonably dangerous because it was neither designed, manufactured, tested, nor assembled with a restraint system that could adequately protect an occupant in a foreseeable side-impact collision;
- c. The rented Silverado was defective and unreasonably dangerous because it was neither designed, manufactured, tested, nor assembled in a way that was crashworthy, and was not capable of withstanding ordinary and foreseeable damage during a foreseeable collision;
- d. The rented Silverado was defective and unreasonably dangerous because the vehicle failed to meet all applicable and reasonable safety standards including but not limited to internal standards and federal motor vehicle safety standards and other reasonable standards;
- e. The rented Silverado was generally defective and unreasonably dangerous in its design, manufacture, assembly and warnings because it failed to provide adequate



protection when being operated as advertised and marketed and was furnished without adequate warnings; and

- f. The rented Silvarado was defective and unreasonably dangerous due to the inadequacy or absence of warning stickers, placards, or any proper documentation, or notice to alert users and occupants including Decedent regarding the hazardous conditions as described above.

24. At the time of the subject incident, the rented Silvarado (and all of its component parts, including the restraint system) was substantially unchanged from its condition, from when it was rented by Defendant Enterprise.

25. For the reasons set forth above, the rented Silvarado was unreasonably dangerous to foreseeable users and occupants, including Decedent, who was reasonably restrained and utilizing the rented Silvarado in an ordinary and foreseeable manner.

26. The defects described above were the direct, producing and proximate cause of the fatal injuries to Decedent and resulting damages to Plaintiffs set forth herein.

**SECOND CAUSE OF ACTION**  
**(NEGLIGENCE – ENTERPRISE)**

27. Plaintiffs incorporate by reference each and all of the allegations contained in the preceding paragraphs as though fully set forth herein.

28. Defendant Enterprise holds themselves out to the public, including to Decedent, as experts in car rentals, and experts in ensuring that vehicles rented to the public are in a reasonably safe condition, including the restraint systems.

29. Accordingly, Defendant Enterprise owes a duty to all customers and all individuals, including but not limited to, Decedent, who come into contact with the vehicles they inspect, maintain, and rent out, to perform their work in a reasonably skilled and safe manner, and only rent out vehicles that are in a reasonably safe condition.

30. Defendant Enterprise breached their duties and were negligent in the manner in which they rented the rented Silvarado to McFarlane, in that they allowed a defective vehicle to be rented when the restraint system would fail in a foreseeable side-impact collision.

31. As a result, the rented Silvarado was not in a reasonably safe condition for foreseeable use, and Defendant Enterprise was negligent for reasons including, but not limited to, the following:

- a. Failing to properly inspect the restraint system of the rented Silvarado;
- b. Failing to properly inspect, maintain, service, market, and rent the rented Silvarado with a restraint system that would fail in a foreseeable collision;

32. The negligence of Defendant Enterprise was a direct and proximate cause of the fatal injuries to Decedent and Plaintiffs' resulting damages complained of herein.

**THIRD CAUSE OF ACTION**  
**(NEGLIGENCE – CESPEDES)**

33. Plaintiffs incorporate by reference each and all of the allegations contained in the preceding paragraphs as though fully set forth herein.

34. Plaintiffs allege that Defendant Cespedes had a duty to act as a reasonable and prudent commercial vehicle operator would have acted under the same or similar circumstances and to exercise ordinary care. Plaintiffs allege that Cespedes breached such duties by committing the following negligent acts and/or omissions:

- a. Failure to exercise reasonable care;
- b. Failure to maintain a proper lookout and pay attention;
- c. Failure to properly maintain control of vehicle;
- d. Failure to take proper evasive action;
- e. Failure to timely apply brakes;
- f. Violating applicable Texas Transportation Code Provisions;

g. Driving while distracted and/or fatigued; and

h. Failing to comply with applicable Federal Motor Carrier Safety Regulations.

35. Each of the above acts and/or omissions singularly and cumulatively constitutes negligence and/or negligence *per se* and was a proximate cause of the crash in question, the fatal injuries to Decedent, and the resulting damages to Plaintiffs.

**FOURTH CAUSE OF ACTION**  
**(NEGLIGENCE – A&R DELIVERY)**

36. Plaintiffs incorporate by reference each and all of the allegations contained in the preceding paragraphs as though fully as forth herein.

37. At all relevant times, Defendant A&R Delivery was the owner and/or lessor of the tractor-trailer and the statutory employer of Cespedes. Further, Cespedes was acting within the course and scope of such employment at the time of the crash in question.

38. Plaintiffs allege that Defendant A&R Delivery is vicariously liable to them based on the doctrine of *Respondeat Superior*. That is, Defendants are liable to Plaintiffs by virtue of the negligent conduct of Cespedes, as described above. Further, each of the above negligent acts and/or omissions on the part of A&R Delivery's employee, Cespedes, singularly and cumulatively, was a proximate cause of the crash in question, the fatal injuries to Decedent, and the resulting damages to Plaintiffs.

39. Defendant A&R Delivery was independently negligent and grossly negligent in failing to properly train Cespedes on safe driving practices and safe operation of their tractor-trailer, failing in monitoring drivers, failing to properly supervise drivers, failing to enforce company safety rules, and/or failing to properly and safely manage its fleet.

40. Defendant A&R Delivery was independently negligent and negligent *per se* in the entrustment of its vehicle to Cespedes. Plaintiffs therefore bring this action under general negligence and under negligent entrustment theories.

**DAMAGES**

41. Plaintiffs incorporate by reference each and all of the allegations contained in the preceding paragraphs as though fully set forth herein.

42. This suit is brought in pursuant to TEX. CIV. PRAC. & REM. CODE §§ 71.002-.004, commonly referred to as the “Wrongful Death Act”, pursuant to the terms and provisions of TEX. R. CIV. PRAC. & REM. CODE § 71.021, known as the “Survivor’s Act”, and pursuant to any and all other applicable laws including the common law of the State of Texas. No estate has been opened and none is necessary.

43. Plaintiffs are statutory beneficiaries and all of the heirs of Steven T. Smalley. Plaintiffs are entitled to bring an action on account of his wrongful death and for his survival damages.

44. Plaintiffs bear the following relationships to Decedent:

Bernadine Roseanne Smalley	-	Wife;
Ashlee M. Holguin	-	Daughter;
Steven T. Smalley, Jr.	-	Son; and
Lynda Groves	-	Mother.

45. As a direct and proximate result of the conduct of Defendants herein, Steven T. Smalley died.

46. As a direct and proximate result of the death of Steven T. Smalley, his surviving wife, children, and mother have suffered damages.

47. Plaintiffs are wrongful death beneficiaries of Decedent and, by reason of the collision, have sustained damages in the past (from the date of the collision until the date of trial) and in the future.

48. Plaintiffs seek to recover their pecuniary loss, meaning the loss of the care, maintenance, support, services, advice, counsel, and reasonable contributions of a pecuniary value, excluding loss

of inheritance, that they, in reasonable probability, would have received from Steven T. Smalley had he lived.

49. Plaintiffs seek to recover for their loss of companionship and society, meaning the loss of the positive benefits flowing from the love, comfort, companionship, and society that they, in reasonable probability, would have received from Steven T. Smalley had he lived.

50. Plaintiffs seek compensation for mental anguish, meaning the emotional pain, torment, and suffering that they have suffered and, in reasonable probability, will continue to suffer in connection with the untimely death of their husband, father, and son, Steven T. Smalley.

51. Additionally, Plaintiffs seek to recover compensation for the fear of impending death and pre-death suffering Steven T. Smalley endured.

52. Decedent's injuries and death were proximately caused by the conduct of Defendants as more completely described herein.

#### **PRE-JUDGMENT INTEREST**

53. Plaintiffs would additionally say and show that they are entitled to recovery of pre-judgment interest in accordance with law and equity as part of their damages herein, and Plaintiffs here and now sue for recovery of pre-judgment interest as provided by law and equity, under the applicable provisions of the laws of the State of Texas.

#### **RESERVATION OF RIGHTS**

54. These allegations against EAN Holdings, LLC doing business as Enterprise Rent-A-Car, A&R Delivery, LLC, and David Carbonell Cespedes are made acknowledging that this lawsuit is still in its early stages, and investigation, although undertaken, is continuing.

55. As further investigation is conducted, additional facts will surely be uncovered that may and probably will necessitate further, additional, and/or different allegations, including the potential of

adding parties or dismissing parties from the case. The right to do so, under Texas law, is expressly reserved.

**REQUIRED DISCLOSURE**

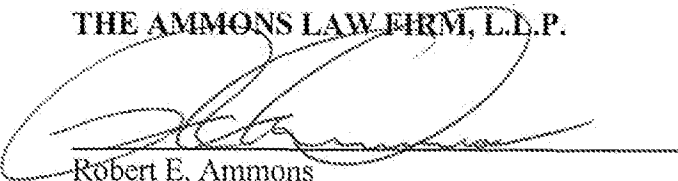
56. Pursuant to Texas Rule of Civil Procedure 194(a), each Defendant is required to disclose, within thirty (30) days of the filing of the first answer, the information or material described in Rule 194.2(b)1-12. Any Defendant that is served or otherwise joined after the filing of the first answer must make their initial disclosures within thirty (30) days after being served or joined.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiffs request that Defendants be cited to appear and answer herein, and that on final trial hereof, Plaintiffs have judgment against Defendants, jointly and severally, for (1) actual, compensatory, and punitive damages as set forth above and/or to the fullest extent allowed by law and which the jury deems to be fair and reasonable; (2) pre-judgment and post-judgment interest as provided by law; (3) costs of suit; (4) attorney's fees; (5) and such other and further relief to which Plaintiffs may be justly entitled at law and in equity, and which the jury deems to be fair and reasonable.

Respectfully submitted,

**THE AMMONS LAW FIRM, L.L.P.**



Robert E. Ammons  
Texas Bar No. 01159820  
Kacy Shindler  
Texas Bar No. 24088407  
3700 Montrose Boulevard  
Houston, Texas 77006  
Telephone: (713) 523-1606  
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and

Chad D. Inderman  
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Facsimile: (806) 329-0594  
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E-mail: inderman@glasheenlaw.com

***ATTORNEYS FOR PLAINTIFFS***

**Marilyn Burgess**

HARRIS COUNTY DISTRICT CLERK

201 Caroline | P.O. Box 4651 | Houston, Texas 77210-4651 | 832-927-5800 | www.hcdistrictclerk.com

3/26/2021 1:03:17 PM  
Marilyn Burgess - District Clerk  
Harris County  
Envelope No: 51874114  
By: HILL, MARCELLA D  
Filed: 3/26/2021 1:03:17 PM**Request for Issuance of Service****CASE NUMBER:** \_\_\_\_\_ **CURRENT COURT:** \_\_\_\_\_**Name(s) of Documents to be served:** PLAINTIFFS' ORIGINAL PETITION**FILE DATE:** 3/26/21 Month/Day/Year**SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):****Issue Service to:** EAN HOLDINGS, LLC**Address of Service:** 1999 BRYAN STREET, #900**City, State & Zip:** DALLAS, TX 75201-3136**Agent (if applicable)** CT CORPORATION SYSTEM**TYPE OF SERVICE/PROCESS TO BE ISSUED:** (Check the proper Box)

- ☒ **Citation**    ☐ **Citation by Posting**    ☐ **Citation by Publication**    ☐ **Citations Rule 106 Service**
- ☐ **Citation Scire Facias**    Newspaper \_\_\_\_\_
- ☐ **Temporary Restraining Order**    ☐ **Precept**    ☐ **Notice**
- ☐ **Protective Order**
- ☐ **Secretary of State Citation (\$12.00)**    ☐ **Capias (not by E-Issuance)**    ☐ **Attachment (not by E-Issuance)**
- ☐ **Certiorari**    ☐ **Highway Commission (\$12.00)**
- ☐ **Commissioner of Insurance (\$12.00)**    ☐ **Hague Convention (\$16.00)**    ☐ **Garnishment**
- ☐ **Habeas Corpus (not by E-Issuance)**    ☐ **Injunction**    ☐ **Sequestration**
- ☐ **Subpoena**
- ☐ **Other (Please Describe)** \_\_\_\_\_

(See additional Forms for Post Judgment Service)

**SERVICE BY (check one):**

- ☐ **ATTORNEY PICK-UP (phone)** \_\_\_\_\_
- ☐ **MAIL to attorney at:** \_\_\_\_\_
- ☐ **CONSTABLE**
- ☐ **CERTIFIED MAIL by District Clerk**
- ☒ **E-Issuance by District Clerk**  
(No Service Copy Fees Charged)  
*Note: The email registered with EfileTexas.gov must be used to retrieve the E-Issuance Service Documents.  
Visit www.hcdistrictclerk.com for more instructions.*
- ☐ **CIVIL PROCESS SERVER - Authorized Person to Pick-up:** \_\_\_\_\_ **Phone:** \_\_\_\_\_
- ☒ **OTHER, explain pls email citation to:** [terri@ammonsllaw.com](mailto:terri@ammonsllaw.com)

**Issuance of Service Requested By:** Attorney/Party Name: Robert E. Ammons Bar # or ID 01159820**Mailing Address:** 3700 Montrose Boulevard, Houston, TX 77006**Phone Number:** 713-523-1606



**Marilyn Burgess**

HARRIS COUNTY DISTRICT CLERK

201 Caroline | P.O. Box 4651 | Houston, Texas 77210-4651 | 832-927-5800 | www.hcdistrictclerk.com

3/26/2021 1:03:17 PM  
Marilyn Burgess - District Clerk  
Harris County  
Envelope No: 51874114  
By: HILL, MARCELLA D  
Filed: 3/26/2021 1:03:17 PM**Request for Issuance of Service****CASE NUMBER:** \_\_\_\_\_**CURRENT COURT:** \_\_\_\_\_**Name(s) of Documents to be served:** PLAINTIFFS' ORIGINAL PETITION**FILE DATE:** 3/26/21 Month/Day/Year**SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):****Issue Service to:** A&R DELIVERY, LLC**Address of Service:** 5507 KARENBETH DRIVE**City, State & Zip:** HOUSTON, TX 77084**Agent (if applicable)** MAYRA PEREZ**TYPE OF SERVICE/PROCESS TO BE ISSUED:** (Check the proper Box)

- ☒ **Citation**    ☐ **Citation by Posting**    ☐ **Citation by Publication**    ☐ **Citations Rule 106 Service**
- ☐ **Citation Scire Facias**    Newspaper \_\_\_\_\_
- ☐ **Temporary Restraining Order**    ☐ **Precept**    ☐ **Notice**
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- ☐ **Commissioner of Insurance (\$12.00)**    ☐ **Hague Convention (\$16.00)**    ☐ **Garnishment**
- ☐ **Habeas Corpus (not by E-Issuance)**    ☐ **Injunction**    ☐ **Sequestration**
- ☐ **Subpoena**
- ☐ **Other (Please Describe)** \_\_\_\_\_

(See additional Forms for Post Judgment Service)

**SERVICE BY (check one):**

- ☐ **ATTORNEY PICK-UP (phone)** \_\_\_\_\_
- ☐ **MAIL to attorney at:** \_\_\_\_\_
- ☐ **CONSTABLE**
- ☐ **CERTIFIED MAIL by District Clerk**
- ☒ **E-Issuance by District Clerk**  
(No Service Copy Fees Charged)  
*Note: The email registered with EfileTexas.gov must be used to retrieve the E-Issuance Service Documents.  
Visit www.hcdistrictclerk.com for more instructions.*
- ☐ **CIVIL PROCESS SERVER - Authorized Person to Pick-up:** \_\_\_\_\_ **Phone:** \_\_\_\_\_
- ☒ **OTHER, explain pls email citation to:** terri@ammonsllaw.com

**Issuance of Service Requested By:** Attorney/Party Name: Robert E. Ammons Bar # or ID 01159820**Mailing Address:** 3700 Montrose Boulevard, Houston, TX 77006**Phone Number:** 713-523-1606

**Marilyn Burgess**

HARRIS COUNTY DISTRICT CLERK

201 Caroline | P.O. Box 4651 | Houston, Texas 77210-4651 | 832-927-5800 | www.hcdistrictclerk.com

3/26/2021 1:03:17 PM  
Marilyn Burgess - District Clerk  
Harris County  
Envelope No: 51874114  
By: HILL, MARCELLA D  
Filed: 3/26/2021 1:03:17 PM**Request for Issuance of Service****CASE NUMBER:** \_\_\_\_\_ **CURRENT COURT:** \_\_\_\_\_**Name(s) of Documents to be served:** PLAINTIFFS' ORIGINAL PETITION**FILE DATE:** 3/26/21 Month/Day/Year**SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):****Issue Service to:** DAVID CARBONELL CESPEDES

Address of Service: 17811 AUTUMN TRAILS LANE

City, State &amp; Zip: HOUSTON, TX 77084

Agent (if applicable) N/A

**TYPE OF SERVICE/PROCESS TO BE ISSUED:** (Check the proper Box)

- ☒ Citation    ☐ Citation by Posting    ☐ Citation by Publication    ☐ Citations Rule 106 Service
- ☐ Citation Scire Facias    Newspaper \_\_\_\_\_
- ☐ Temporary Restraining Order    ☐ Precept    ☐ Notice
- ☐ Protective Order
- ☐ Secretary of State Citation (\$12.00)    ☐ Capias (not by E-Issuance)    ☐ Attachment (not by E-Issuance)
- ☐ Certiorari    ☐ Highway Commission (\$12.00)
- ☐ Commissioner of Insurance (\$12.00)    ☐ Hague Convention (\$16.00)    ☐ Garnishment
- ☐ Habeas Corpus (not by E-Issuance)    ☐ Injunction    ☐ Sequestration
- ☐ Subpoena
- ☐ Other (Please Describe) \_\_\_\_\_

(See additional Forms for Post Judgment Service)

**SERVICE BY (check one):**

- ☐ ATTORNEY PICK-UP (phone) \_\_\_\_\_
- ☐ MAIL to attorney at: \_\_\_\_\_
- ☐ CONSTABLE
- ☐ CERTIFIED MAIL by District Clerk
- ☒ E-Issuance by District Clerk  
(No Service Copy Fees Charged)  
*Note: The email registered with EfileTexas.gov must be used to retrieve the E-Issuance Service Documents.  
Visit www.hcdistrictclerk.com for more instructions.*
- ☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: \_\_\_\_\_ Phone: \_\_\_\_\_
- ☒ OTHER, explain pls email citation to: [terri@ammonsllaw.com](mailto:terri@ammonsllaw.com)

**Issuance of Service Requested By:** Attorney/Party Name: Robert E. Ammons Bar # or ID 01159820

Mailing Address: 3700 Montrose Boulevard, Houston, TX 77006

Phone Number: 713-523-1606

4/5/2021 9:29 AM  
Marilyn Burgess - District Clerk Harris County  
Envelope No. 52107962

Receipt Number: 883451 By: DANIELLE JIMENEZ  
Tracking Number: 738545 Filed: 4/5/2021 9:29 AM

COPY OF PLEADING PROVIDED BY PLT

CAUSE NUMBER: 2021-17878

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PLAINTIFF: SMALLEY, BERNADINE ROSEANNE In the 080th Judicial  
(INDIVIDUALLY AS HEIR AT LAW OF STEVEN T  
vs. District Court of  
DEFENDANT: EAN HOLDINGS LLC (D/B/A ENTERPRISE Harris County, Texas  
RENT-A-CAR)

---

CITATION

THE STATE OF TEXAS  
County of Harris

TO: EAN HOLDINGS LLC (D/B/A ENTERPRISE REN-A-CAR) MAY BE SERVED THROUGH ITS  
REGISTERED AGENT C T CORPORATION SYSTEM  
1999 BRYAN STREET SUITE 900  
DALLAS TX 75201

Attached is a copy of PLAINTIFF'S ORIGINAL PETITION.

This instrument was filed on March 26, 2021, in the above numbered and styled cause on the docket in the above Judicial District Court of Harris County, Texas, in the courthouse in the City of Houston, Texas. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

ISSUED AND GIVEN UNDER MY HAND and seal of said Court, at Houston, Texas, this March 26, 2021.



*Marilyn Burgess*

Marilyn Burgess, District Clerk  
Harris County, Texas  
201 Caroline, Houston, Texas 77002

Generated By: MARCELLA SINGLETON

Issued at request of:  
AMMONS, ROBERT E.  
3700 MONTROSE BLVD.  
HOUSTON, TX 77006-  
713-523-1606

Bar Number: 01159820

Tracking Number: 73854531

CAUSE NUMBER: 2021-17878

PLAINTIFF: SMALLEY, BERNADINE ROSEANNE  
(INDIVIDUALLY AS HEIR AT LAW OF STEVEN T

In the 080th

vs.

Judicial District Court

DEFENDANT: EAN HOLDINGS LLC (D/B/A  
ENTERPRISE RENT-A-CAR)

of Harris County, Texas

OFFICER/AUTHORIZED PERSON RETURN

Came to hand at \_\_\_\_\_ o'clock \_\_\_\_\_ M., on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Executed at (address) \_\_\_\_\_  
in \_\_\_\_\_ County  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M., on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

by delivering to \_\_\_\_\_ defendant,  
in person, a true copy of this  
Citation together with the accompanying \_\_\_\_\_ copy(ies) of the  
\_\_\_\_\_ Petition  
attached thereto and endorsed on said copy of the Citation the date of delivery.

To certify which I affix my hand officially this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

FEE: \$ \_\_\_\_\_

\_\_\_\_\_ of \_\_\_\_\_

County, Texas

By: \_\_\_\_\_

Affiant

Deputy

On this day, \_\_\_\_\_, known to me to be  
the person whose signature  
appears on the foregoing return, personally appeared. After being by me duly sworn,  
he/she stated that this citation was executed by him/her in the exact manner recited  
on the return.

SWORN TO AND SUBSCRIBED BEFORE ME on this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_



CAUSE NO. 2021-17878

BERNADINE ROSEANNE SMALLEY, Individually, As Heir §  
at Law of STEVEN T. SMALLEY, Deceased, and ASHLEE §  
M. HOLGUIN, STEVEN T. SMALLEY, JR., and LYNDIA  
GROVES, Each Individually and As Heirs at Law of  
STEVEN T. SMALLEY, Deceased

Plaintiff, §

VS. §

EAN HOLDINGS, LLC doing business as ENTERPRISE §  
RENT-A-CAR; A&R DELIVERY, LLC; and DAVID §  
CARBONELL CESPEDES

Defendant. §

IN THE COURT OF

HARRIS COUNTY, TEXAS

BOTH JUDICIAL DISTRICT COURT

AFFIDAVIT OF SERVICE

On this day personally appeared Mauricio Segovia who, being by me duly sworn, deposed and said:

"The following came to hand on Apr 1, 2021, 6:06 pm,

CITATION, PLAINTIFFS' ORIGINAL PETITION,

and was executed at 1999 BRYAN ST SUITE 900, DALLAS, TX 75201-3123 within the county of DALLAS at 11:51 AM on  
Fri, Apr 02 2021, by delivering a true copy to the within named

EAN HOLDINGS, LLC DOING BUSINESS AS ENTERPRISE RENT-A-CAR; BY SERVING ITS REGISTERED AGENT, CT  
CORPORATION SYSTEM, accepted by Intake Specialist: Latoya Sterns

in person, having first endorsed the date of delivery on same.

I am a person over eighteen (18) years of age and I am competent to make this affidavit. I am a resident of the State of  
Texas. I am familiar with the Texas Rules of Civil Procedure as they apply to service of Process. I am not a party to this  
suit nor related or affiliated with any herein, and have no interest in the outcome of the suit. I have never been convicted  
of a felony or of a misdemeanor involving moral turpitude. I have personal knowledge of the facts stated herein and they  
are true and correct."

Mauricio Segovia  
Certification Number: PSC-1689  
Certification Expiration: 8/31/2022

BEFORE ME, a Notary Public, on this day personally appeared Mauricio Segovia, known to me to be the person whose  
name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements therein  
contained are within his or her personal knowledge and are true and correct.

SUBSCRIBED AND SWORN TO ME ON

4/3/2021



Notary Public, State of Texas

3/30/2021 7:38 AM  
Marilyn Burgess - District Clerk Harris County  
Envelope No. 51949883  
By: Brenda Espinoza  
Filed: 3/30/2021 7:38 AM

Receipt Number: 883451  
Tracking Number: 73854538

COPY OF PLEADING PROVIDED BY PLT

CAUSE NUMBER: 2021-17878

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PLAINTIFF: SMALLEY, BERNADINE ROSEANNE In the 080th Judicial  
(INDIVIDUALLY AS HEIR AT LAW OF STEVEN T  
vs. District Court of  
DEFENDANT: EAN HOLDINGS LLC (D/B/A ENTERPRISE Harris County, Texas  
RENT-A-CAR)

---

CITATION

THE STATE OF TEXAS  
County of Harris

TO: CESPEDES, DAVID CARBONELL  
17811 AUTUMN TRAILS LANE  
HOUSTON TX 77084

Attached is a copy of PLAINTIFF'S ORIGINAL PETITION.

This instrument was filed on March 26, 2021, in the above numbered and styled cause on the docket in the above Judicial District Court of Harris County, Texas, in the courthouse in the City of Houston, Texas. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

ISSUED AND GIVEN UNDER MY HAND and seal of said Court, at Houston, Texas, this March 26, 2021.



*Marilyn Burgess*

Marilyn Burgess, District Clerk  
Harris County, Texas  
201 Caroline, Houston, Texas 77002

Generated By: MARCELLA SINGLETON

Issued at request of:  
AMMONS, ROBERT E.  
3700 MONTROSE BLVD.  
HOUSTON, TX 77006-  
713-523-1606

Bar Number: 01159820

Tracking Number: 73854538

CAUSE NUMBER: 2021-17878

PLAINTIFF: SMALLEY, BERNADINE ROSEANNE  
(INDIVIDUALLY AS HEIR AT LAW OF STEVEN T

In the 080th

vs.

Judicial District Court

DEFENDANT: EAN HOLDINGS LLC (D/B/A  
ENTERPRISE RENT-A-CAR)

of Harris County, Texas

## OFFICER/AUTHORIZED PERSON RETURN

Came to hand at 8:00 o'clock A. M., on the 29 day of MARCH, 20 21.

Executed at (address) 17811 Autumn Trails Lane Houston, TX 77084  
in Harris County

at 8:35 o'clock P. M., on the 29 day of MARCH, 20 21.

by delivering to David Carbonell Cespedes defendant,  
in person, a true copy of this

Citation together with the accompanying 1 copy(ies) of the  
Plaintiff's Original Petition Petition

attached thereto and I endorsed on said copy of the Citation the date of delivery.

To certify which I affix my hand officially this 30 day of MARCH, 20 21.

FEE: \$

County, Texas

Renatha PSL 6218 Exp. 12/31/2022  
Affiant

By:

Deputy

On this day, Paul Noten, known to me to be  
the person whose signature  
appears on the foregoing return, personally appeared. After being by me duly sworn,  
he/she stated that this citation was executed by him/her in the exact manner recited  
on the return.

SWORN TO AND SUBSCRIBED BEFORE ME on this 30 of MARCH, 20 21



Terri L. Gehin



**Notary Public**

Unofficial Copy Office of Marilyn Burgess District Clerk



4/1/2021 3:17 PM  
Marilyn Burgess - District Clerk Harris County  
Envelope No. 52068485  
By: DANIELLE JIMENEZ  
Filed: 4/1/2021 3:17 PM

Receipt Number: 883451  
Tracking Number: 73854534

COPY OF PLEADING PROVIDED BY PLT

CAUSE NUMBER: 2021-17878

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PLAINTIFF: SMALLEY, BERNADINE ROSEANNE In the 080th Judicial  
(INDIVIDUALLY AS HEIR AT LAW OF STEVEN T  
vs. District Court of  
DEFENDANT: EAN HOLDINGS LLC (D/B/A ENTERPRISE Harris County, Texas  
RENT-A-CAR)

---

CITATION

THE STATE OF TEXAS  
County of Harris

TO: A&R DELIVERY LLC MAY BE SERVED THROUGH ITS REGISTERED AGENT MAYRA PEREZ  
5507 KARENBETH DRIVE  
HOUSTON TX 77084

Attached is a copy of PLAINTIFF'S ORIGINAL PETITION.

This instrument was filed on March 26, 2021, in the above numbered and styled cause on the docket in the above Judicial District Court of Harris County, Texas, in the courthouse in the City of Houston, Texas. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

ISSUED AND GIVEN UNDER MY HAND and seal of said Court, at Houston, Texas, this March 26, 2021.



*Marilyn Burgess*

Marilyn Burgess, District Clerk  
Harris County, Texas  
201 Caroline, Houston, Texas 77002

Generated By: MARCELLA SINGLETON

Issued at request of:  
AMMONS, ROBERT E.  
3700 MONTROSE BLVD.  
HOUSTON, TX 77006-  
713-523-1606

Bar Number: 01159820

Tracking Number: 73854534

CAUSE NUMBER: 2021-17878

PLAINTIFF: SMALLEY, BERNADINE ROSEANNE  
(INDIVIDUALLY AS HEIR AT LAW OF STEVEN T

In the 080th

vs.

Judicial District Court

DEFENDANT: EAN HOLDINGS LLC (D/B/A  
ENTERPRISE RENT-A-CAR)

of Harris County, Texas

## OFFICER/AUTHORIZED PERSON RETURN

Came to hand at 8:00 o'clock A. M., on the 30 day of March 20 21

Executed at (address) 8411 Section 8 Run Dr. Cypress, TX 77433  
in Harris County  
at 7:40 o'clock A. M., on the 31 day of March 20 21

by delivering to A-R Delivery LLC Through Registered Agent defendant,  
in person, a true copy of this Mayra Perez  
Citation together with the accompanying 1 copy (see) of the  
Plaintiffs Original Petition Petition  
attached thereto and I endorsed on said copy of the Citation the date of delivery.

To certify which I affix my hand officially this 31 day of March, 20 21.

FEE: \$ \_\_\_\_\_ of \_\_\_\_\_

County, Texas  
Paul Noben PS6 6218 ETP 12.31.2022 By: \_\_\_\_\_  
Affiant Deputy

On this day, Paul Noben, known to me to be  
the person whose signature  
appears on the foregoing return, personally appeared. After being by me duly sworn,  
he/she stated that this citation was executed by him/her in the exact manner recited  
on the return.

SWORN TO AND SUBSCRIBED BEFORE ME on this 31 of March, 20 21



Terri L. Gehin

Notary Public

Unofficial Copy Office of Marilyn Burgess District Clerk

EAN.13538

**CAUSE NO. 2021-17878**

<b>BERNADINE ROSEANNE SMALLEY,</b>	§	<b>IN THE DISTRICT COURT</b>
<b>Individually, As Heir at Law of STEVEN T.</b>	§	
<b>SMALLEY, Deceased, and ASHLEE M.</b>	§	
<b>HOLGUIN, STEVEN T. SMALLEY, JR.,</b>	§	
<b>and LYNDIA GROVES, Each Individually</b>	§	
<b>and As Heirs at Law of STEVEN T.</b>	§	
<b>SMALLEY, Deceased</b>	§	
	§	
<i>Plaintiffs,</i>	§	<b>HARRIS COUNTY, TEXAS</b>
<b>v.</b>	§	
	§	
<b>EAN HOLDINGS, LLC doing business as</b>	§	
<b>ENTERPRISE RENT-A-CAR;</b>	§	
<b>A&amp;R DELIVERY, LLC; and DAVID</b>	§	
<b>CARBONELL CESPEDES,</b>	§	
	§	
<i>Defendants.</i>	§	<b>80th JUDICIAL DISTRICT</b>

**DEFENDANT EAN HOLDINGS, LLC D/B/A ENTERPRISE RENT-A-CAR'S**  
**ORIGINAL ANSWER**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW **EAN HOLDINGS, LLC D/B/A ENTERPRISE RENT-A-CAR**, a Defendant named in the above entitled and numbered cause, and files this its Original Answer, and for same would respectfully show unto the Court as follows:

**I.**  
**GENERAL DENIAL**

1. Defendant denies each and every, all and singular, the material allegations contained within Plaintiffs' pleadings and demands strict proof thereof.

**II.**  
**JURY DEMAND**

2. In accordance with Rule 216 of the Texas Rules of Civil Procedure, Defendant demands a trial by jury. Simultaneously with this filing, the jury fee is being paid.

**III.**  
**AFFIRMATIVE DEFENSES**

3. Defendant affirmatively pleads that the jury should consider the comparative fault or causative negligence of any other party, settling party, designated responsible third party and/or non-party, for their actions or inactions as they relate to the events made the basis of this lawsuit and Plaintiffs' claims and alleged damages.

4. Defendant specifically pleads the affirmative defense of contributory negligence and alleges that the damages sustained by Plaintiff, if any, were proximately caused in whole or in part by the conduct of Plaintiffs or by any other party, settling party, designated responsible third party and/or non-party. Defendant asserts that it is entitled to a reduction of damages awarded to the Plaintiffs, if any, pursuant to the doctrines of contributory negligence and comparative responsibility set forth in Chapter 33 of the Texas Civil Practice & Remedies Code.

5. Defendant affirmatively pleads that it is entitled to an offset and credit in the amount of any settlements obtained by the Plaintiffs for the claims in this matter from any other parties.

6. Defendant would show that Plaintiffs are limited to the recovery of medical expenses that are both reasonable and necessary, and further that such recovery is limited to those medical expenses actually "paid or incurred" pursuant to Texas Civil Practice & Remedies Code §41.0105.

7. Defendant would show that Plaintiffs are limited in any attempt for the recovery of lost earnings and/or earnings capacity if so plead pursuant to Texas Civil Practice & Remedies Code §18.091.

8. Defendant asserts that any award to Plaintiff should not include pre-judgment interest because any delay in the trial of the case has not been caused by Defendant.

Accordingly, an award of pre-judgment interest would be unreasonable and improper given the circumstances of the case.

**IV.**  
**PUNITIVE AND STATUTORY DAMAGES AND FINES**

9. Defendant affirmatively pleads that, under the provisions of the Texas Civil Practice and Remedies Code, Plaintiffs are barred from recovering punitive damages from this Defendant. In the alternative, Defendant pleads the applicable statutes place a limitation or "cap" on the punitive damages or statutory damages which Plaintiffs seek. Furthermore, in response to all claims to punitive or statutory damages, Defendant affirmatively pleads the right to due process and the prohibition against excessive fines and penalties under both the United States and Texas Constitutions.

**WHEREFORE, PREMISES CONSIDERED,** Defendant **EAN HOLDINGS, LLC D/B/A ENTERPRISE RENT-A-CAR** prays that the Plaintiffs take nothing by this suit, that Defendant go hence with its costs without delay, and for such other and further relief, both general and special, at law and in equity, to which Defendant may show itself justly entitled.

Respectfully submitted,

**FEE, SMITH, SHARP & VITULLO, L.L.P**



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**DANIEL M. KARP**

State Bar No. 24012937

[dkarp@feesmith.com](mailto:dkarp@feesmith.com)

**MICAH B. CHAMBERS**

State Bar No. 24100552

[mchambers@feesmith.com](mailto:mchambers@feesmith.com)

Three Galleria Tower

13155 Noel Road, Suite 1000

Dallas, Texas 75240

972-980-3293

972-934-9200 [Fax]

**ATTORNEYS FOR DEFENDANT EAN HOLDINGS,  
LLC, DBA ENTERPRISE RENT-A-CAR**

**CERTIFICATE OF SERVICE**

THIS WILL CERTIFY that a true and correct copy of the foregoing instrument has been electronically served upon all attorneys of record in this cause of action on the 19<sup>th</sup> day of April 2021.

**Robert E. Ammons**

**Kacy Shindler**

THE AMMONS LAW FIRM, L.L.P.

3700 Montrose Boulevard

Houston, Texas 77006

[rob@ammonslaw.com](mailto:rob@ammonslaw.com)

[kacy@ammonslaw.com](mailto:kacy@ammonslaw.com)

[terri@ammonslaw.com](mailto:terri@ammonslaw.com)

AND

**Chad D. Inderman**

**David G. Glasheen**

GLASHEEN, VALLES & INDERMAN, LLP

1302 Texas Avenue

Lubbock, Texas 79401

[david.g@glasheenlaw.com](mailto:david.g@glasheenlaw.com)

[inderman@glasheenlaw.com](mailto:inderman@glasheenlaw.com)

*Attorneys for Plaintiffs*



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**DANIEL M. KARP**